IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

NOTICE OF MOTION No.2450/2003.
IN
INCOME TAX APPEAL (LODGING) No. 760/2003.

The Commissioner of Income Tax,
Mumbai City-12, Mumbai. ..Appellant.

Vs.

Shri Sushil Gupta, Mumbai. ..Respondent.

Mr A. S. Rao for the Appellant.
None for the Respondent.

CORAM:DR.S. RADHAKRISHNAN
AND V.C. DAGA,JJ.
DATED:26TH MARCH, 2007.

P.C.:-

1. Heard the learned counsel for the appellant. None appears for the respondent though served.

2. Affidavit of service is taken on record.

3. Perused affidavit in support of the Notice of Motion seeking condonation of 53 days delay. Sufficient cause is made out for condoning delay in filing the above appeal. There is no case of inaction, negligence or want of bona fide on the part of the appellant. Hence, the notice of motion is made absolute in terms of prayer clause (a).

4. Place the above appeal for admission on 16th April, 2007.

(V.C. DAGA,J.) **(DR.S. RADHAKRISHNAN,J.)**